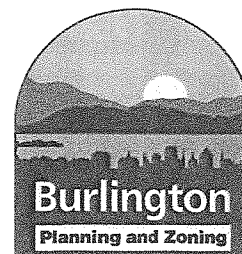


## Department of Planning and Zoning

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7142 (TTY)

*David White, AICP, Director*  
*Ken Lerner, Assistant Director*  
*Sandrine Thibault, AICP, Comprehensive Planner*  
*Jay Appleton, GIS Manager*  
*Scott Gustin, AICP, Senior Planner*  
*Mary O'Neil, AICP, Senior Planner*  
*Nic Anderson, Zoning Clerk*  
*Elsie Tillotson, Department Secretary*



**TO:** Development Review Board  
**FROM:** Scott Gustin *SG*  
**DATE:** September 17, 2013  
**RE:** 13-0707CA/MA; 3-11 & 13-15 George Street

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: DT/RH      Ward: 3

Owners/Representative: Richard Bove Sr. & Rick Bove / John Alden

**Request:** Demolish existing structures on George Street and construct new residential building above and behind existing historic structure on Pearl Street corner for total of 1 commercial unit and 23 residential units

### **Applicable Regulations:**

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), and Article 9 (Inclusionary & Replacement Housing)

### **Background Information:**

The applicant is requesting approval for a new mixed use development at the corner of Pearl & George Streets. It will consist of 23 residential units, 1 commercial unit, and associated parking. The Development Review Board reviewed two sketch plans of this project July 17, 2012 and October 16, 2012. The DRB reviewed the present application as a public hearing on July 16, 2013. At its following deliberative meeting, the DRB voted to re-open the public hearing per the items below:

1. The Board requests that the applicant submit an existing conditions plan showing current lot lines and setbacks.
2. The Board requests that the applicant submit photographs of existing conditions on this and neighboring lots.
3. On the issue of setbacks:
  - a. Although the Board has not made a final decision, a majority of the Board disagrees with the applicant's position that the act of merging lots removes the requirement of a 15' setback at the zoning district boundary between the DT and RH zoning districts. Similarly, the Board determines that the district boundary does not move by virtue of combining lots or eliminating property boundaries. The required 15' setback between the DT and the RH district boundaries remains.

- b. The project must comply with the setback requirements of the RH zone (10% side yard, 25% rear yard.) Merging the two lots would affect the setback requirements of the merged lot since setbacks are measured in relation to lot width. The merger of the two lots would affect the required side yard setback in the RH zone for a new, wider lot.
4. The Board has not made a final decision on the request to demolish the cinderblock addition, but a majority is leaning toward approving this. Board members may wish to ask additional questions on this issue.
5. The Board is, at present, undecided about the demolition of the middle brick ell on 3 George Street. Board members may wish to ask additional questions on this issue.
6. The Board requests that the applicant submit a site plan and photographs of the house to the north of the project area (immediately outside of the development plan, on George Street) to assist the Board in assessing the context of the area.
7. The Board finds the exterior rendering confusing and asks the applicant to clarify and provide an accurate depiction of proposed exterior finishes; how and where used.

The applicant has submitted an updated project narrative and some additional clarifying information, but the project itself remains unchanged. As a result, these findings remain unchanged.

The Design Advisory Board reviewed this project three times and ultimately recommended approval on June 11, 2013 subject to the following conditions:

1. Wooden windows in the General Stannard house should be retained. Existing vinyl replacement windows should be replaced with wood or clad wooden windows.
2. A historic plaque for the General Stannard house should be installed.
3. Removal of the south stairs and doorway is acceptable. "Tooth in" brick repair under the new window. No panel underneath.
4. Activate the rear green space.

The DAB also commented that the massing of the proposed development is understandable, but they did not entirely support it. They declined, however, to render any conditions related to this item. Revised project plans address the DAB's recommendations, except that there is no information relative to an historic marker.

The Conservation Board reviewed this project February 4, 2013 and recommended that the applicant evaluate the opportunities for stormwater infiltration onsite so that its feasibility is known. If feasible, infiltration should be made a part of the stormwater management plan, subject to final approval by the Stormwater Administrator. The applicants have acted on the Conservation Board's recommendation and are working with the Stormwater Administrator to determine the feasibility of infiltration at this site.

Note that the historic General Stannard house at 3-11 George Street was included in the final plat approval (ZP#02-070/CU2-011/COAS01-027) for 64 Pearl Street (AKA Victoria Place). That project description stated in part that the "proposal includes renovations to 3 George Street." This 2001 project was feasible only due to the city providing land and addressing the loss of two other

historic structures in conjunction with the State Division for Historic Preservation. Approval of the permit for Victoria Place included a condition that specifically recognized the renovation/restoration of 3 George as mitigation for the demolition of two other historic buildings in order to facilitate that project. Much of the General Stannard house is slated for demolition in this current application. An additional note is that currently the 3-11 George Street property is in very poor condition and does not meet minimum housing requirements per the Code Enforcement Office. This is a concern due to the previous mitigation condition that requires renovation/restoration of this building.

Note that this development involves two properties (3-11 and 13-15 George St) and therefore involves two separate applications (13-0707CA/MA and 13-0713CA, respectively). They are reviewed concurrently as a single development proposal.

Previous zoning actions for these properties are listed below.

3-11 George Street

- 2/13/09, Approval of sign for Diversity Salon
- 7/19/02, Approval to replace window with door

13-15 George Street

- 4/16/12, Approval for fire damage building renovations

**Recommendation:** Denial as per the following findings:

**I. Findings**

**Article 3: Applications and Reviews**

**Part 5, Conditional Use & Major Impact Review:**

**Sec. 3.5.6, Review Criteria**

**(a) Conditional Use Review Standards**

**1. The capacity of existing or planned community facilities;**

The proposed development will require significant water and sewer; however, adequate reserve capacity is available. Confirmation of available capacity from the Department of Public Works has been provided. **(Affirmative finding)**

**2. The character of the area affected;**

The character of the area surrounding the proposed development site is distinctly two-sided. The nearby section of Pearl Street is principally defined by large mixed use development primarily resultant from urban renewal. George Street, on the other hand, is defined largely by relatively small scale multi-family historic buildings. The proposed development is in line with the built environment along Pearl Street and makes a transition to somewhat lower intensity further north along George Street. **(Affirmative finding)**

**3. Traffic on roads and highways in the vicinity;**

A brief traffic summary has been provided. It notes projected daily and peak hour trip ends. While anticipated traffic generation is moderate, impacts are minimized by the existing city street network that will absorb it. The Department of Public Works has reviewed the analysis and concurs with its findings. **(Affirmative finding)**

*4. Bylaws then in effect;*

As noted in these findings, the project does not comply with all bylaws in effect. **(Adverse finding)**

*5. Utilization of renewable energy resources;*

The proposed development includes a rooftop solar array. **(Affirmative finding)**

*6. Cumulative impacts of the proposed use;*

This criterion requires that cumulative impacts associated with residential development where it is permitted be deemed negligible. The proposed tavern is modest in size and is not expected to contribute substantially to any cumulative impacts. **(Affirmative finding)**

*7. Functional family;*

No exceptions to the unrelated adult occupancy limitations are sought. **(Not applicable)**

*8. Vehicular access points;*

See Sec. 6.2.2 (i).

*9. Signs;*

See Sec. 6.3.2 (g).

*10. Mitigation measures;*

The proposed development is not expected to generate any noxious effects such as excessive noise, glare, or emissions. **(Affirmative finding)**

*11. Time limits for construction;*

The project is to be constructed within the standard 2-year time frame. It will consist of 2 separate phases consisting of renovation of the remaining General Stannard house and new construction. The phasing plan will allow occupancy of distinct project components while construction continues on the remainder of the project. This phasing plan is acceptable and will be incorporated into the permit conditions if approved. **(Affirmative finding if conditioned)**

*12. Hours of operation and construction;*

The proposed tavern would operate between 10:00 AM and 2:00 AM. It is a permitted use, and its hours of operation need not be limited beyond these hours. No specific hours of construction are proposed and must be. Consistency with other major impact projects next to, or within, residential neighborhoods requires that construction activity be limited to Monday – Saturday, 7:00 AM – 6:00 PM. No construction activity on Sunday. **(Affirmative finding if conditioned)**

*13. Future enlargement or alterations;*

As with anything else, any future enlargement or alteration to the development will require zoning review under the regulations in effect at that time.

*14. Performance standards;*

Performance standards relating to outdoor lighting and erosion control are addressed under Article 5 of these findings.

*15. Conditions and safeguards;*



If approved, this project must be conditioned to implement the purposes of the zoning regulations.  
**(Affirmative finding if conditioned)**

**(b) Major Impact Review Standards**

*1. Not result in undue water, air, or noise pollution;*

A stormwater management plan has been submitted and reviewed by the Conservation Board (see Sec. 5.5.3). The project will not result in undue water pollution. The project is not expected to generate any significant air or noise pollution. **(Affirmative finding)**

*2. Have sufficient water available for its needs;*

Ample reserve capacity is available as confirmed by the Department of Public Works.  
**(Affirmative finding)**

*3. Not unreasonably burden the city's present or future water supply or distribution system;*  
See item 2 above.

*4. Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*  
See Sec 5.5.3.

*5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*  
See Sec. 3.5.6 (a) 3 for traffic analysis. The new residential units and tavern are not expected to generate unreasonable congestion or unsafe conditions on nearby roadways, waterways, railways, the bike path, public sidewalks, or other means of transportation. The development will be centrally located with multiple modes of transportation readily available. **(Affirmative finding)**

*6. Not cause an unreasonable burden on the city's ability to provide educational services;*  
The proposed residential units may house some families with school age children; however, numbers are expected to be minimal. Of the 23 new apartments, 10 will be 1-bedroom units, 12 will be 2-bedroom units, and only 1 will be a 3-bedroom unit. Impact fees will be paid to offset project impacts. **(Affirmative finding if conditioned)**

*7. Not place an unreasonable burden on the city's ability to provide municipal services;*  
The proposed development will generate additional impacts on city services; however, those impacts are expected to be proportionately modest. Impact fees will be paid to help offset impacts generated. **(Affirmative finding if conditioned)**

*8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*  
The subject property contains no rare, irreplaceable, or significant natural areas. There are a number of significant historic buildings within the development site and further up George Street. While demolition of historic resources is included in this proposal, the Design Advisory Board found it to be acceptable (see Sec. 5.4.8). There are no known archaeological resources on the property. **(Affirmative finding)**

*9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;*

The proposed development would bring about additional residential and commercial growth in close proximity to the city's core. However, insofar as the project disregards the DT/RH district boundary setback (see Sec.4.4.1 [b]), it will adversely impact intended growth patterns along this boundary. **(Adverse finding)**

*10. Be in substantial conformance with the city's municipal development plan;*

The proposed development is substantially compliant with many of the MDP policies; however, it does not comply with the policy that the city will "identify and protect its historic structures and resources" due to the loss of an important and promised renovation of an identified historic building, as well as the second historic building at 13-15 George Street. (Sec. IV, Historic Preservation).

The project straddles the Downtown Transition and Residential High Density zones where relatively high density development is encouraged (Sec. I, Land Use Policies & Growth Areas).

The proposed building is compatible with existing development, particularly along Pearl Street (Sec. III, City Policies).

In light of the property's downtown location, alternative means of transportation will be readily available (Sec. V, Stressing Other Modes of Travel).

The project will comply with the city's current energy efficiency standards (Sec. VIII).

The proposed mixed use development can be found to be in substantial, but not complete, conformance with the City's MDP. **(Affirmative finding)**

*11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;*

The proposed development will have no adverse impact on the present or projected housing needs of the city. **(Affirmative finding)**

*12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.*

Minimal impacts on the city's park and recreation needs are anticipated as a result of the project. Impact fees will be paid to help offset what impacts there are. **(Affirmative finding if conditioned)**

#### **Article 4: Maps & Districts**

##### ***Sec. 4.4.1, Downtown Mixed Use Districts:***

###### ***(a) Purpose***

###### ***(2) Downtown Transition (DT)***

###### ***A. DT North***

The subject property is partially located in the Downtown Transition zone. This zone is intended to provide a balance and continuity in the character and scale of development on both sides of Pearl Street (and other streets bordering Downtown). It is also intended to provide a transition in

the intensity of downtown development into the less intense residential districts. While the project design provides for some transition in intensity from the DT portion into the RH portion, it is fundamentally flawed insofar as it ignores the protective and required district boundary setback for new structures. **(Adverse finding)**

***(b) Dimensional Standards & Density***

A FAR of 4.0 is allowed in the DT zone, with an additional 0.5 FAR available for an inclusionary housing bonus. The project narrative notes FAR as 4.5 (the maximum permissible with the noted bonus). Whether this is the actual proposed FAR or simply a notation of the maximum possible is unclear. Proposed FAR must be clearly noted.

Proposed lot coverage is 96%, which is acceptable in the DT zone.

Only one setback applies to the DT portion of the proposed development – the 15' district boundary setback along the RH zone. The proposed construction does not comply with this setback requirement and, in fact, straddles the district boundary. The application asserts that by removing the property line (which is also generally the DT/RH district boundary) the setback requirement no longer applies. This reasoning misses the intent of the district boundary setback – to provide a break from intense downtown development for nearby residential neighborhoods – and quickly leads to absurd results. By this reasoning, this required setback could be avoided along the entire length of George Street (or any other street adjacent to the DT zone) by consolidating all of the properties. District boundaries generally, but not always, follow property lines in existence at the time the district boundaries are drawn. Removal or adjustment of the property lines does not eliminate the district boundary setback requirement.

Building height is limited to 45' in the DT zone with an additional 10' available for an inclusionary housing bonus. The proposed building will be 55' tall. The minimum height requirement of 30' and 3 stories has been met. **(Adverse finding)**

***(c) Permitted & Conditional Uses***

The proposed multi-family housing and tavern are permitted uses in the DT zone; however, as a major impact project, it is subject to conditional use review. Such review is included in this application. **(Affirmative finding)**

***(d) District Specific Regulations***

***1. Use Restrictions***

***A. Ground Floor Residential Uses Restricted***

While much of the proposed development is residential, the ground floor space facing Pearl Street is commercial and will be used for the proposed tavern. **(Affirmative finding)**

***B. Residential/Nonresidential Mix Required***

Not applicable.

***2. Public Trust Restrictions***

Not applicable.

***3. Facades and Setbacks on Side and Rear Property Lines***

The proposed construction is set back 10' or more from the adjacent Victoria Place building.  
**(Affirmative finding)**

#### ***4. Building Height Setbacks***

##### ***A. Principal View Corridors***

Pearl Street is a designated view corridor. Per this criterion, new construction above 45' must be stepped back from the front property line a distance equal to ¼ the width of the Pearl Street right-of-way. In this case, the right-of-way is 66' wide. The required front setback above 45' is 16.5'. This setback has been observed. **(Affirmative finding)**

##### ***B. Church Street Buildings***

Not applicable.

#### ***5. Lake Champlain Waterfront Setbacks***

Not applicable.

#### ***6. Residential District Setbacks***

See Sec. 4.4.1 (b).

#### ***7. Development Bonuses/Additional Allowances***

The proposed development seeks an inclusionary housing bonus. Instead of providing the base requirement of 15% inclusionary units, 25% (6 units) will be provided. This additional inclusionary housing enables the proposed building to reach 55' in height per Table 4.4.1-2: *Maximum FAR and Building Heights with Bonuses*. Clarity as to the total FAR is needed in order to determine compliance with this bonus provision insofar as additional FAR is concerned. **(No finding possible)**

#### ***Sec. 4.4.5, Residential Districts:***

##### ***(a) Purpose***

##### ***(5) Residential High Density (RH)***

The subject development site is partially located in the RH zone. This zone is primarily intended for high density attached multi-family development. Parking should be hidden behind or beneath buildings. The RH portion of the proposed development is consistent with this intent.

**(Affirmative finding)**

##### ***(b) Dimensional Standards & Density***

According to City Assessor records, the lot within the RH portion of the proposed development is 5,176 sf in size. The base residential density in the RH zone is 40 units per acre. That density results in an allowance of up to 5 residential units on the RH portion. The additional inclusionary housing units afford an increased density of 46 units per acre. That additional increment continues to result in a maximum density of 5 residential units (5.466) in the RH portion. The application does not specify the RH-specific density and must.

Lot coverage is limited to 80% in the RH zone. That coverage limit may be increased to 92% with the additional inclusionary housing provided. Proposed lot coverage in this zone portion will be an acceptable 80%.

The front yard setback is based on the average front yard setback of the neighboring properties – in this case the two neighboring properties to the north along George St. These two neighboring homes are set up to the front property line. Therefore, the proposed building may be up to the front property line or set back as far as 5'. The proposed building is set up to the front property line. The minimum required side yard setback is 10% of the lot width or at least 5' if the lot is narrower than 50'. The subject property is 45' wide and requires a 5' minimum side yard setback. As noted previously, the proposed development will straddle the property line (and zoning district boundary) and does not comply with this minimum setback requirement. Adjusting the southern side property line may affect the minimum 10% setback requirement; however, the application depicts no adjustment. Adjustment is simply contemplated in the application.

The maximum building height in the RH zone is 35' with an additional 10' potential due to the 25% inclusionary housing units proposed. The proposed building is 35' tall within the RH portion of the development site. **(Adverse finding)**

***(c) Permitted & Conditional Uses***

This major impact application is subject to conditional use review in the RH zone. Such review is addressed in these findings. **(Affirmative finding)**

***(d) District Specific Regulations***

***1. Setbacks***

Not applicable.

***2. Height***

Not applicable.

***3. Lot Coverage***

Not applicable.

***4. Accessory Residential Structures and Uses***

Not applicable.

***5. Residential Density***

There is no request to exceed the 4-unrelated adult occupancy limitation per this criterion. **(Affirmative finding)**

***6. Uses***

Not applicable.

***7. Residential Development Bonuses***

***A. Inclusionary Housing Requirement.***

The proposed development will include 25% inclusionary housing units as opposed to the base requirement of 15%. As a result, it is eligible for height, density, and lot coverage bonuses. As the development is currently proposed, height and lot coverage bonuses are unnecessary. No figure has been provided as to the number of dwelling units in the RH portion of the development. Therefore, compliance with the density bonus provision cannot be determined. **(No finding possible)**

## **Article 5: Citywide General Regulations**

### ***Sec. 5.2.3, Lot Coverage Requirements***

See Sections. 4.4.1 (b) and 4.4.5 (b) above.

### ***Sec. 5.2.4, Buildable Area Calculation***

This criterion does not apply to properties in the DT zone.

### ***Sec. 5.2.5, Setbacks***

See Sections. 4.4.1 (b) and 4.4.5 (b) above.

### ***Sec. 5.2.6, Building Height Limits***

See Sections. 4.4.1 (b) and 4.4.5 (b) above.

### ***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Sections. 4.4.1 (b) and 4.4.5 (b) above.

## ***Part 4, Special Use Regulations***

### ***Sec. 5.4.8, Historic Buildings and Sites***

#### ***(b) Standards and Guidelines (for alterations to 3 George Street)***

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The brick General Stannard House was originally constructed as a residence and remains in residential use today. As proposed, the original (front) portion would be converted to a tavern. This change in use may be acceptable given the relatively minimal changes to the original portion of the building. **(Affirmative finding)**

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

Only the original portion of the General Stannard House is proposed to be retained. Relatively little modification is proposed and consists largely of a new two-section porch. The mid-section, an addition that is historic in its own right, is included in the demolition. As indicated this is not reasonable given the commitment made to restore this building. It also is a concern that this building has not been well kept and does not meet minimum housing standards. This must be corrected. The Design Advisory Board found the partial demolition and remaining building alterations to be acceptable counter to staff recommendations. **(Affirmative finding)**

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

No conjectural features or elements will be added. There will be no false sense of historical development. **(Affirmative finding)**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

The addition furthest north is not historically significant and may be removed without adverse impacts. The brick (middle) addition is historically significant in its own right. This section would be demolished and replaced with new development. The DAB found this partial

demolition acceptable, however this mid-section of the existing structure is, according to staff expertise, significant and should not be demolished but preserved and incorporated into the development proposal. Furthermore, renovation of this building was promised as mitigation for the loss of two historic buildings under the Victoria Place development. The Design Advisory Board found the partial demolition to be acceptable counter to staff recommendations **(Affirmative finding)**

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Within the original portion of the General Stannard House, existing windows, features, and finishes will be retained. The primary doorway facing George Street will be retained. The revised porch design allows for continued visual prominence of this feature. Note that several replacement vinyl windows have been installed. There are no approved zoning permits on file for these replacement windows despite the requirement in the Victoria Place project that this building's historic character be retained. As recommended by the DAB, these vinyl window units will be replaced with wooden or clad wooden windows. The distinctive slate roof will be retained. **(Affirmative finding if conditioned)**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

The original portion of the General Standard House that remains will retain historic features and materials. As noted the lack of maintenance has resulted in minimum housing violations that must be corrected) **(Affirmative finding if conditioned)**

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No information pertaining to this criterion is evident in the application. **(No finding possible)**

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

The subject property contains no known archaeological features; however, as noted elsewhere in these findings the nearby Omnium Gatherum had association with War of 1812 activities. Should artifacts be uncovered during excavation, it is the owner's responsibility to contact the Vermont Division for Historic Preservation for further guidance. This may well require halting of construction until artifacts can be properly protected or removed. **(Affirmative finding if conditioned)**

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The DAB found the proposed demolition and new construction to be mutually compatible. The original section of the General Stannard House will be retained. New construction will be clearly offset from this historic building. A 6" separation distance will be provided, and

flashing/tie in between the two buildings will take place below the rake of the Stannard House roof. **(Affirmative finding)**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The proposed work includes demolition of historic structures that will be replaced with markedly new and different development. The work is effectively irreversible and will alter the form and integrity of the historic property and its immediate environment; however, counter to staff recommendation, the DAB found that the proposed work is acceptable in light of the remainder of the built environment and the new housing units provided. **(Affirmative finding)**

*(d) Demolition of Historic Buildings*

*(2) Standards for Review of Demolition (for demolition of 13 George Street)*

*A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to property maintain the structure; or,*

*B. The structure cannot be rehabilitated or reused onsite as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district; or,*

*C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.*

The application asserts that the proposed redevelopment complies with criterion C; that the proposed development will provide a substantial community-wide benefit that outweighs the historic significance of the home at 13 - 15 George Street. The proposed development will result in 15 net new residential dwelling units (8 demolished, 23 new). The DAB found that these new residential units offset the loss of the existing home at 13-15 George Street. **(Affirmative finding)**

**And all of the following:**

- A. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;*

The proposed redevelopment will retain the original portion of the General Stannard House. The DAB found this degree of preservation adequate to offset impacts associated with the new development. **(Affirmative finding)**

- B. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history; and,*

The application asserts that this criterion will be addressed as part of this project. **(Affirmative finding if conditioned)**

- C. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).*



- (i) *Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*

The proposed construction is more compatible with the urban renewal development along this section of Pearl Street than it is with the remaining historic development along Pearl and George Streets. Significant demolition of historic resources on the subject properties is proposed; however, as noted previously, the original portion of the General Stannard House will be retained. **(Affirmative finding)**

- (ii) *Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,*

The project, if constructed, would be built immediately following demolition of the existing structure. **(Affirmative finding)**

- (iii) *The time between demolition and commencement of new construction generally shall not exceed six (6) months.*

*This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.*

See criterion (ii) above.

#### ***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative Finding)**

#### ***Sec. 5.5.2, Outdoor Lighting***

Outdoor lighting information has been provided, including fixture cutsheets, illumination, and locations.

Fixture "A" is a recessed canister fixture that will illuminate the George Street building entrance. The fixture cutsheet includes two options, but both qualify as low output fixtures and are acceptable.

Fixture "B" will be used to illuminate the façade of the historic General Stannard House. Mounting locations are acceptable, but additional information is needed in order to determine compliance with the applicable illumination standards – specifically whether illumination levels on the exterior walls will not exceed 5.0 footcandles.

Fixture "D" is a wall-mounted luminaire that will illuminate the penthouse doorways onto the rooftop. The photometric plan notes lumens as "absolute" but does not actually note the number of lumens generated. Therefore, compliance as either a low output lamp or a lamp that will not generate more than 5.0 footcandles on the rooftop surface cannot be determined. Additional information is needed.

Lastly, fixture "G" will be used to illuminate the parking garage. A photometric plan has been provided; however, it does not include maximum, minimum, or average illumination levels or uniformity ratios. Compliance cannot be determined without this information. **(No finding possible)**

### ***Sec. 5.5.3, Stormwater and Erosion Control***

A stormwater management plan has been provided and focuses on stormwater retention and controlled discharge into the city's combined sewer system. The Conservation Board recommended incorporation of infiltration into the stormwater management system so that volume discharged into the city system is actually reduced. The applicants are pursuing this recommendation and working with the Stormwater Administrator; however, details have not yet been finalized. The final stormwater management plan is subject to review and approval by the Stormwater Administrator. An erosion control plan for use during construction has also been provided and is subject to review and approval by the Stormwater Administrator. **(Affirmative finding if conditioned)**

## **Article 6: Development Review Standards:**

### ***Part 1, Land Division Design Standards***

Not applicable.

### ***Part 2, Site Plan Design Standards***

#### ***Sec. 6.2.2, Review Standards***

##### ***(a) Protection of important natural features***

There are no important natural features on the proposed development site. It is largely impervious surface with very limited green space. **(Affirmative finding)**

##### ***(b) Topographical alterations***

The site is generally flat and will remain so. Excavation is proposed; however, it will not substantially alter the finished grades of the site. **(Affirmative finding)**

##### ***(c) Protection of important public views***

Pearl Street is a designated view corridor. Per Sec. 4.4.1 (d) 4, A, new construction above 45' must be stepped back from the front property line a distance equal to ¼ the width of the Pearl Street right-of-way. In this case, the right-of-way is 66' wide. The required front setback above 45' is 16.5'. This setback has been observed. **(Affirmative finding)**

##### ***(d) Protection of important cultural resources***

The subject property contains no known archaeological features; however, the nearby Omnium Gatherum had association with War of 1812 activities. Should artifacts be uncovered during excavation, it is the owner's responsibility to contact the Vermont Division for Historic Preservation for further guidance. This may well require halting of construction until artifacts can be properly protected or removed. **(Affirmative finding if conditioned)**

##### ***(e) Supporting the use of alternative energy***

The elevation drawings depict a rooftop PV solar array. The applicant is encouraged to actually install this array. Commonly such items are depicted and then cost-cut out of the actual development. **(Affirmative finding)**

##### ***(f) Brownfield sites***

The property is not an identified brownfield. **(Affirmative finding)**

##### ***(g) Provide for nature's events***

A post construction stormwater management plan has been provided. The Conservation Board reviewed this plan and encouraged including infiltration into the design. The plan is also subject to final review and approval by the Stormwater Administrator. **(Affirmative finding)**

*(h) Building location and orientation*

As the front portion of the General Stannard House will be retained, the streetscape along Pearl Street remains largely unchanged. The doorway along Pearl Street, which is not original, will be removed and replaced with a window as recommended. A previously proposed panel under the window has been deleted in favor of brick infill as recommended by the DAB.

Almost all of the development will take place along George Street. The single story porch along George Street has been split in two so that the prominent main entrance into this historic building remains visible. The entrances within the new construction along George Street are easily identifiable. **(Affirmative finding)**

*(i) Vehicular access*

Vehicular access is proposed along George Street with a driveway into the structured parking. Additional access will be available via the existing Pearl Street driveway next to Victoria Place. **(Affirmative finding)**

*(j) Pedestrian access*

Building entries will be afforded direct access to the public sidewalks along George and Pearl Streets. **(Affirmative finding)**

*(k) Accessibility for the handicapped*

Handicap parking spaces are depicted on the site plan. Accessibility to some of the dwelling units may be required. A handicap access into the proposed tavern is located on the western side of the General Stannard House. It is the applicant's responsibility to insure that the project complies with all applicable ADA requirements. **(Affirmative finding)**

*(l) Parking and circulation*

Onsite parking will be provided at grade. Occupied building space will be located above the parking. Circulation appears to be one-way with access from Pearl Street and exit onto George Street. The street level parking along George Street has been screened with metallic mesh. The proposed screening has been carried around to the north side as well. **(Affirmative finding)**

*(m) Landscaping and fences*

The project plans depict a row of street trees along George Street. These trees are subject to review and approval by the City Arborist. Several new trees are also depicted in a small patch of residual green space behind the new building. As recommended by the DAB, this small green space has been activated with additional landscaping and hardscape items. Bike parking includes an enclosure within the garage for long-term parking and two separate racks along Pearl and George Streets for short term parking. **(Affirmative finding)**

*(n) Public plazas and open space*

No public plazas or open space are included or required in this proposal. **(Affirmative finding)**

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

Any new utility lines will be buried. No new ground mounted mechanicals are evident. No new dumpster is proposed. Existing waste infrastructure will serve the proposed development.

**(Affirmative finding)**

***Part 3, Architectural Design Standards***

***Sec. 6.3.2, Review Standards***

***(a) Relate development to its environment***

***1. Massing, Height, and Scale***

The massing, height, and scale of the proposed development is consistent with the scale of development along this section of Pearl Street. The new development along George Street makes a transition in scale to the neighboring homes further north. The tallest, largest building component is located closest to Pearl Street. Distinct building sections diminish in size as it reaches north and into the RH zone. The variety of exterior building materials has been toned down as recommended but continues to effectively delineate separate building sections. The visual separation between the new construction and the retained section of the General Stannard House has been made distinct. Overall height of the building is irregular as it attempts to follow the DT/RH zone boundary. The tallest building sections are set back from both Pearl and George Streets and will not be visible from the street level. The plans incorporate a well defined street level façade that is clearly distinct from the upper stories.

**(Affirmative finding)**

***2. Roofs and Rooflines***

The proposed building incorporates varying rooflines and roof types. These variations enhance the distinct sections of the overall building. **(Affirmative finding)**

***3. Building Openings***

Fenestration in the proposed building is fairly basic and contemporary. Details include flat brick arches and apparent stone (or concrete?) sills in the center building section. Rhythm and spacing is appropriate for the proposed development. In the General Stannard House, the doorway facing Pearl Street will be removed and replaced with a window. **(Affirmative finding)**

***(b) Protection of important architectural resources***

This proposal includes the demolition of an unlisted but eligible historic home at 13 - 15 George Street and partial demolition of the listed historic brick building at 3 George Street. See Sec. 5.4.8, *Historic Buildings and Sites*.

***(c) Protection of important public views***

See 6.2.2 (c) above.

***(d) Provide an active and inviting street edge***

The current project plans include a clearly distinct street-level façade. The mass of the proposed development is broken into clearly defined sections at varying planes along the sidewalk. Projections and recesses are effectively incorporated into the building design. The simpler

building material palate provides greater uniformity throughout the design. Entries are clear, and street level glazing continues to provide visual access into the commercial interior of the building. **(Affirmative finding)**

*(e) Quality of materials*

The materials palate consists of one type of brick (previously, multiple types were proposed), corrugated metal, porcelain tile, glass, and fiber cement panels. Limited wooden materials will be used for replacement elements within the historic corner brick building. These materials are of acceptable quality and durability. **(Affirmative finding)**

*(f) Reduce energy utilization*

As noted previously, a PV solar array is proposed on the building's rooftop. The proposed construction must also comply with the city's current energy efficiency requirements.

**(Affirmative finding if conditioned)**

*(g) Make advertising features complimentary to the site*

The elevation drawings depict a "George Street Lofts" parallel sign on the east elevation. Its height appears to be acceptable. A separate zoning permit will be required for this, and any other, exterior signs. **(Affirmative finding if conditioned)**

*(h) Integrate infrastructure into the building design*

Mechanical equipment will be housed within a rooftop enclosure. An exhaust vent for the would-be tavern, painted for compatibility with the brick siding, is located on the western elevation as is a utility meter bank. These low visibility locations are acceptable. **(Affirmative finding)**

*(i) Make spaces safe and secure*

The buildings and access thereto must comply with current egress and emergency vehicle access requirements. A resident intercom system is also proposed. **(Affirmative finding if conditioned)**

**Article 8: Parking**

***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

Parking requirements associated with this project depend on the use and the zone. Within the DT portion, the tavern requires no off-street parking, and the residential units require 1 space per dwelling unit. Within the RH zone, the residential units require 2 spaces per unit. As noted previously, there is no tally of units within the DT versus RH zones. Without this tally, minimum parking requirements cannot be determined. This problem is one more item associated with trying to construct a building across a district line that is simply not permitted. **(No finding possible)**

***Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans***

A parking waiver is requested (14 spaces for 23 dwelling units); however, the request is based on an assumed minimum requirement of 1 space per dwelling unit. As noted above, the required parking is tied to the use and to the zone (DT or RH) in which it is located. There is no provision in the CDO to simply extend the Downtown Parking District into the Neighborhood Parking District. **(No finding possible)**

***Sec. 8.2.5, Bicycle Parking Requirements***

The proposed development requires both long term and short term bicycle parking. The requirement for the tavern is based on the number of employees (1 per 10) for long term spaces

and the occupancy load (6% of occupancy load) for short term spaces. No information has been provided relative to the number of employees or occupancy load.

The 23 residential units require 6 long term spaces (1 per 4 units) and 2 short term spaces (1 per 10 units). The project plans depict both long term and short term bike parking facilities, but capacity is not evident. Adequacy cannot be determined without capacity numbers and information relative to the tavern as noted above. **(No finding possible)**

#### **Article 9: Inclusionary & Replacement Housing**

##### ***Sec. 9.1.5, Applicability***

As 23 residential units are proposed, inclusionary units must be provided. As a 10' height bonus is being sought, 20% of the units must be inclusionary. As proposed, 25% of the dwelling units would be inclusionary. Final details as to the inclusionary units must be agreed upon by the Manager of the city's Housing Trust Fund. **(Affirmative finding if conditioned)**

#### **II. Reasons for Denial**

Per the Adverse Findings noted above.



SCOTT + PARTNERS  
ARCHITECTURE

20 MAIN ST. ESSEX JUNCTION, VT 05452

P 802.879.5153

F 802.872.2764

SCOTTPARTNERS.COM

## PERMIT APPLICATION NARRATIVE - Submitted August 21<sup>st</sup>, 2013

**Project:** George Street Lofts  
3-11 / 13-15 George Street  
**Zone:** DT (Downtown Transition)/ RH (Residential High Density)  
**Applicant:** 3-13 George Street LLC, Rick Bove / Scott + Partners, Agent  
**Date:** August 21, 2013

RECEIVED

AUG 21 2013

DEPARTMENT OF  
PLANNING & ZONING

**Request:** Remove a portion of the structure at 3-11 George St. and the entire structure at 13-15 George St.; construct a new, mixed use residential/commercial building with associated parking and site improvements.

**Intent of Memo:** In response to the DRB Motion issued July 30, 2013 on the subject project, we are providing the requested additional information. It is the same project as submitted previously with clarifying remarks on the setback discussion.

### Response to Items requested in the Motion:

1. Existing site plan showing current lot lines and setbacks: Attached are C-1 by Ruggiano Engineering - originally filed with our first DRB Sketch Plan application in January of 2013. Since then, we have been showing a cleaned up version with existing and proposed setbacks- also attached.
2. Photographs of existing conditions: We have incorporated photos of existing project structures and surrounding buildings into our presentations. Attached are proofs of same for your reference.
3. Setbacks:

- a. We respectfully disagree with the Board's interpretation of the zoning boundary and setback requirement. We have furnished a legal review stating that no zoning boundary line setback can exist without a property line. The zone boundary simply does not come into play here. The project should be allowed to straddle the line as shown.

Note that the project does not propose "moving" the line at all, nor does it have the effect of moving the line. Except for the lack of setback requirements along the merged property line, we are applying the full RH criteria to the RH portion of the merged parcel and the DT criteria to DT portion of the merged parcel. Allowing the new development to straddle the line has only internal effects. To any property outside the new merged parcel, there will be no difference between this project and a project with an internal setback.

There is a benefit to allowing a merged parcel with a single building; the City goals as stated for density and street presence in the DT zone can be more fully realized. The building itself provides a sensitive and natural transition from one zone to the other.

- b. In keeping with the above methodology of applying DT criteria on the DT side of the zone transition line and RH criteria on the RH side of the line, it is not reasonable to subject the entire parcel to the RH frontage rules. Adding DT frontage to the RH lot requirement would result in a significantly wider setback than is otherwise required when an RH parcel



abuts another RH parcel. If the Board feels that the rules can be applied across the zone line, we would similarly like use the DT zone area to increase the allowed density on the RH parcel. Rather, we continue to support our original proposal which has tried to keep full integrity within each zone. Each portion complies with the criteria specific to the zone it is in. The property line setbacks/zone line setback along the merged line are the only criteria that are modified -and that appears to be legally allowed.

4. Disposition of the demolition request for the rear cinderblock addition: we are prepared to respond to any additional questions the board may have. Additional photos of this structure are attached.
5. Disposition of the middle ell: same response as for 4.
6. Information on the house to the north of the proposed site: site plan is per C-1, attached. Additional photos are attached herein.
7. Rendering: Updated elevations with an expanded graphic materials key is attached.





George Street Apartments  
DRB Permit Application - Response  
August 21, 2013

RECEIVED  
AUG 21 2013  
DEPARTMENT OF  
PLANNING & ZONING









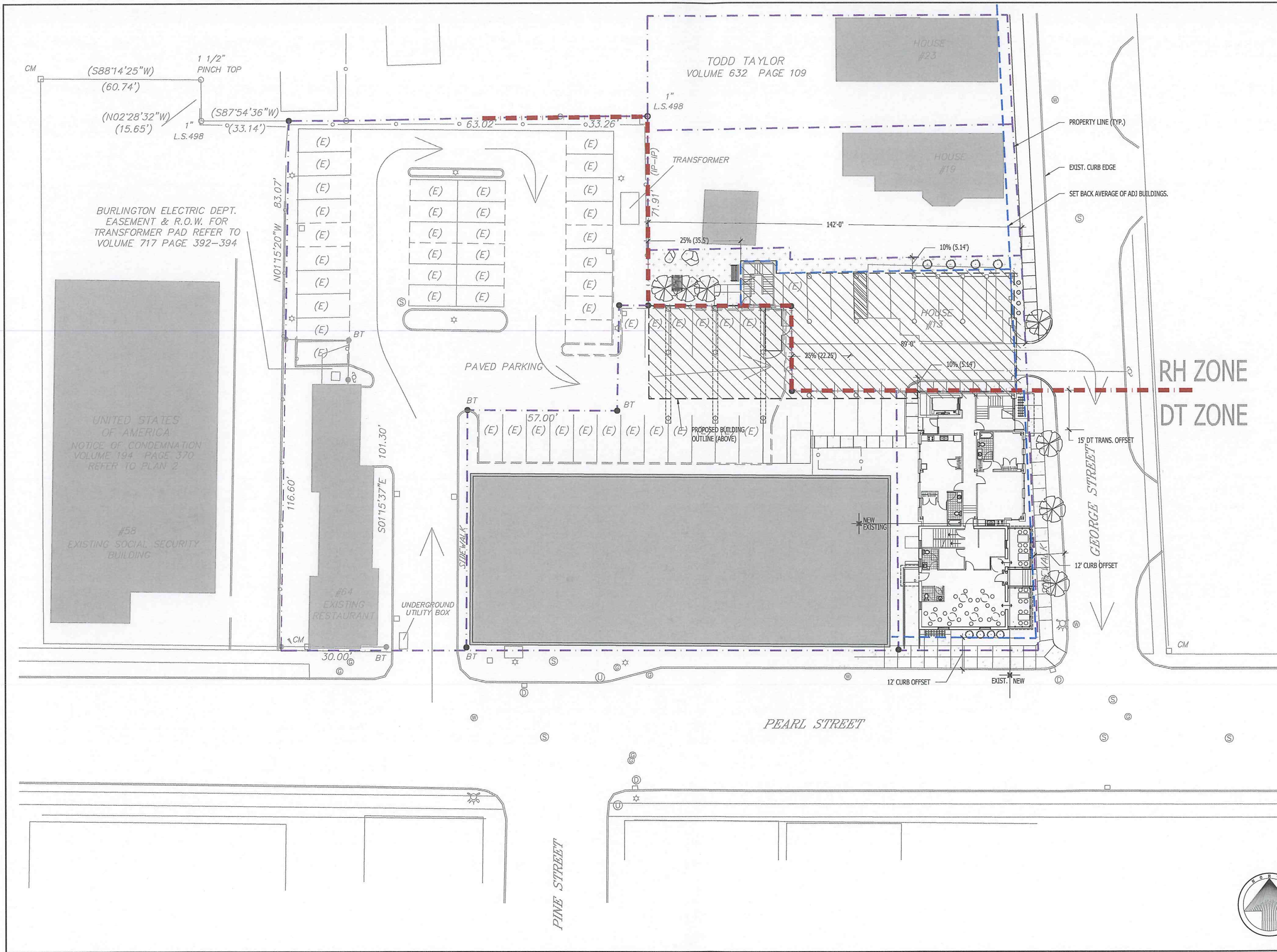












20 MAIN ST. ESSEX JUNCTION, VT 05452  
P. 802.879.5153 F. 802.872.2764 SCOTTPARTNERS.COM

GEORGE STREET LOFTS  
**PROPOSED**

project name:

scale: 1/16"=1'-0"  
project no. 12-882  
checked by: JBA  
drawn by: MSB  
date: 8/20/13

date	revisions

sheet title:  
SITE  
CODE + ZONING  
SET BACK

sheet no.  
**A1.2**





project name:

GEORGE STREET LOFTS

scale:

project no. 12-882

checked by: JBA

drawn by: KDE

date: 7/15/13

date	revisions

sheet title:

PROPOSED ELEVATIONS

sheet no.

EL.1

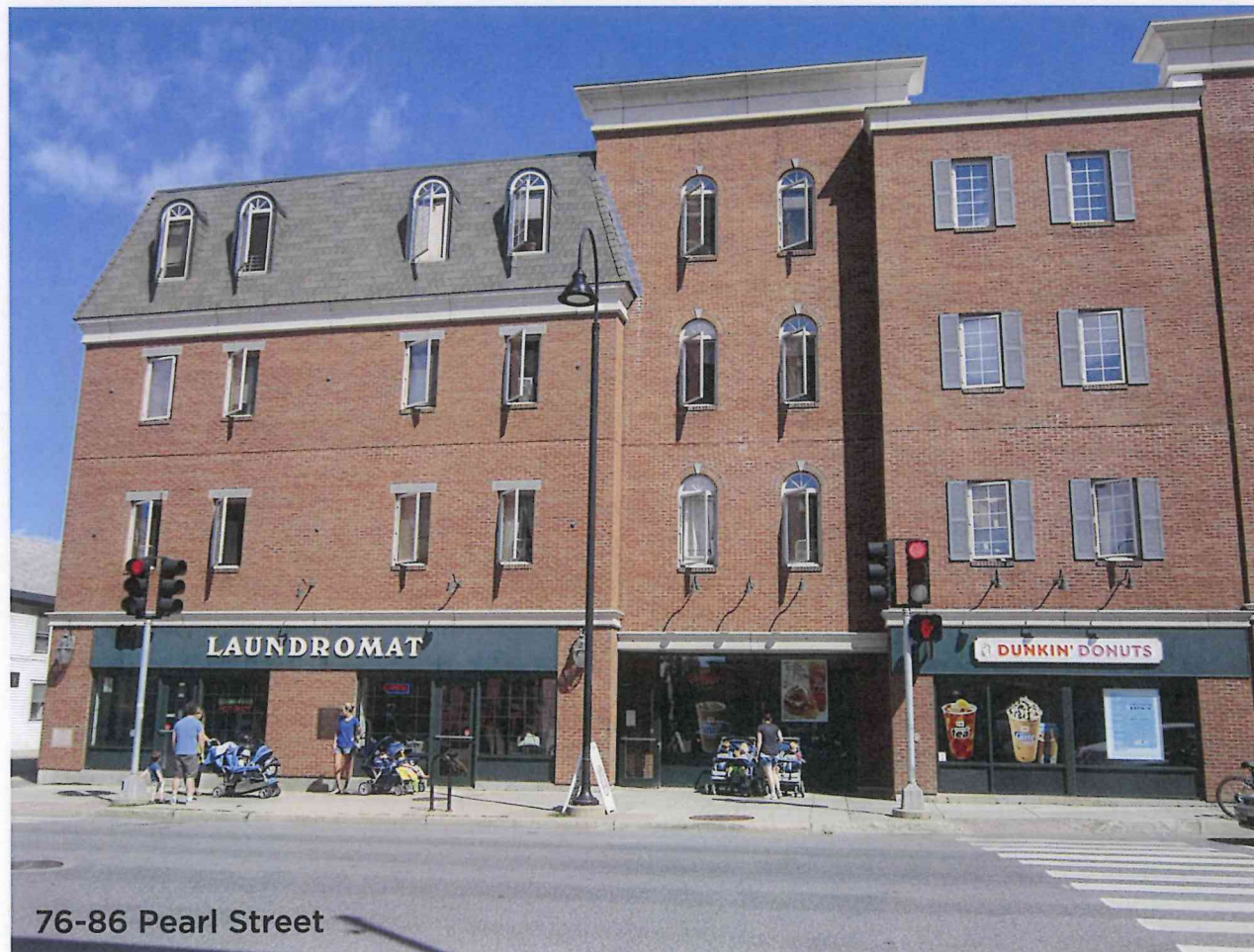




Corner of Pearl and George Street



86 Pearl Street + 3 George Street



76-86 Pearl Street



Pearl Street - Looking East

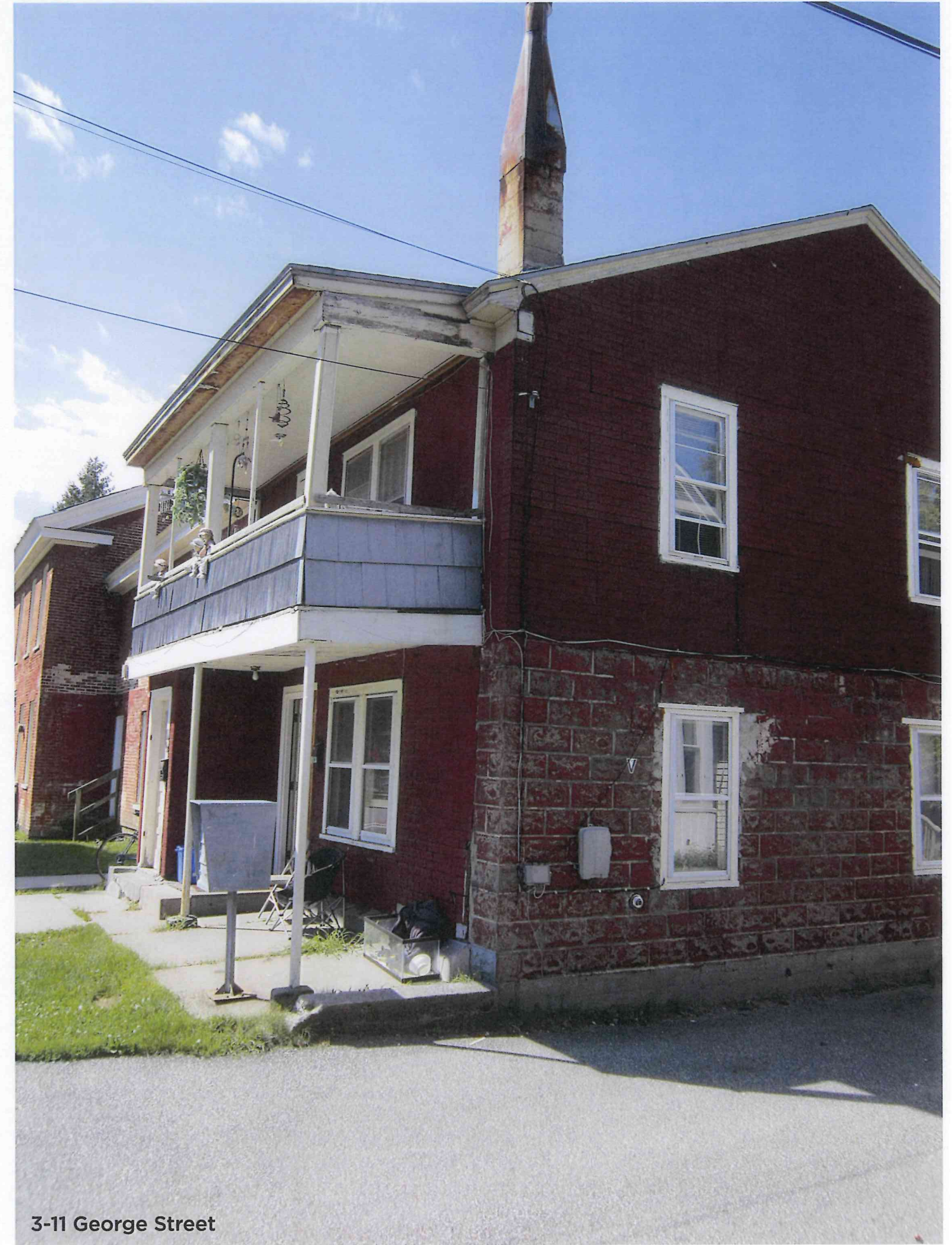




3-11 George Street

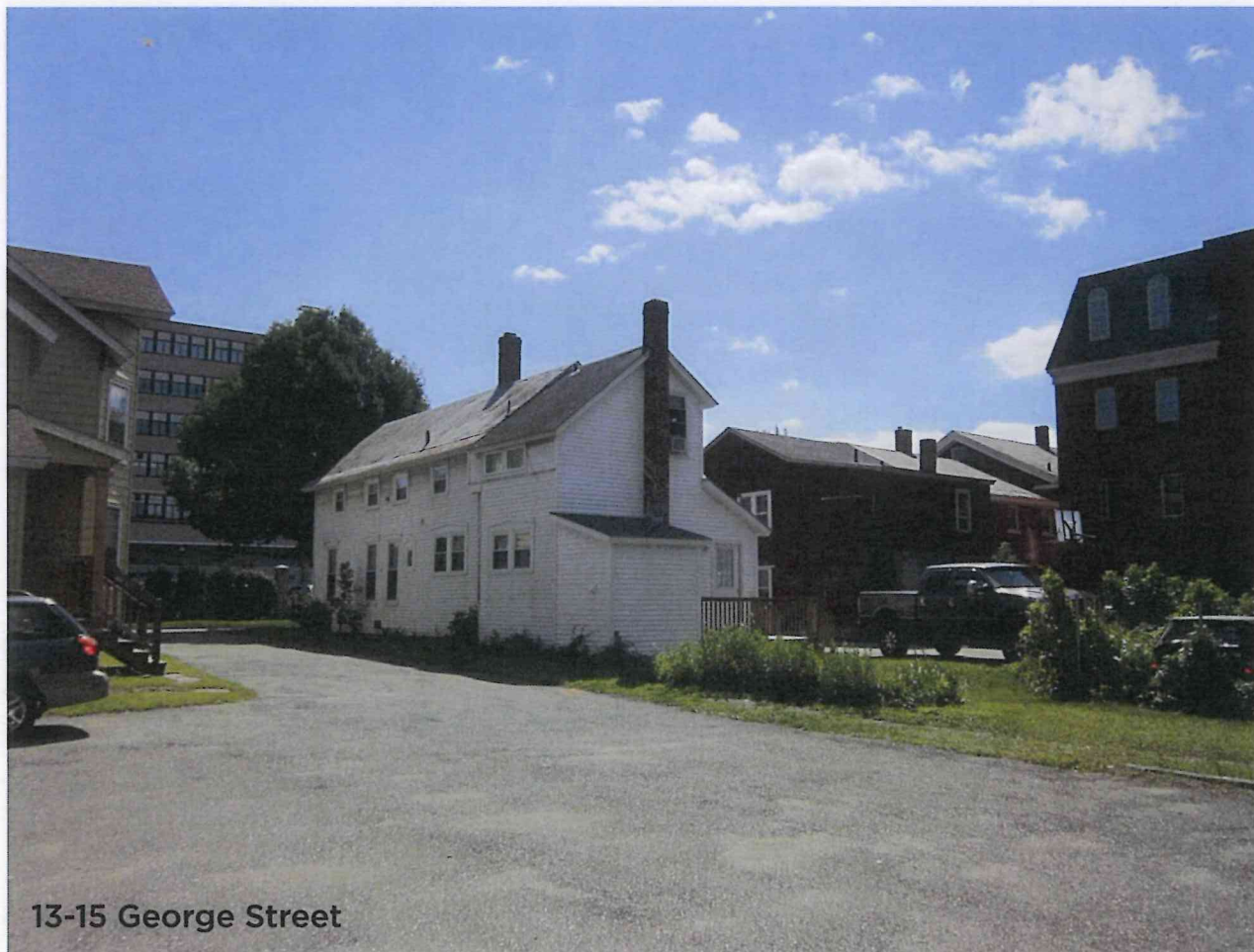


3-11 George Street



3-11 George Street

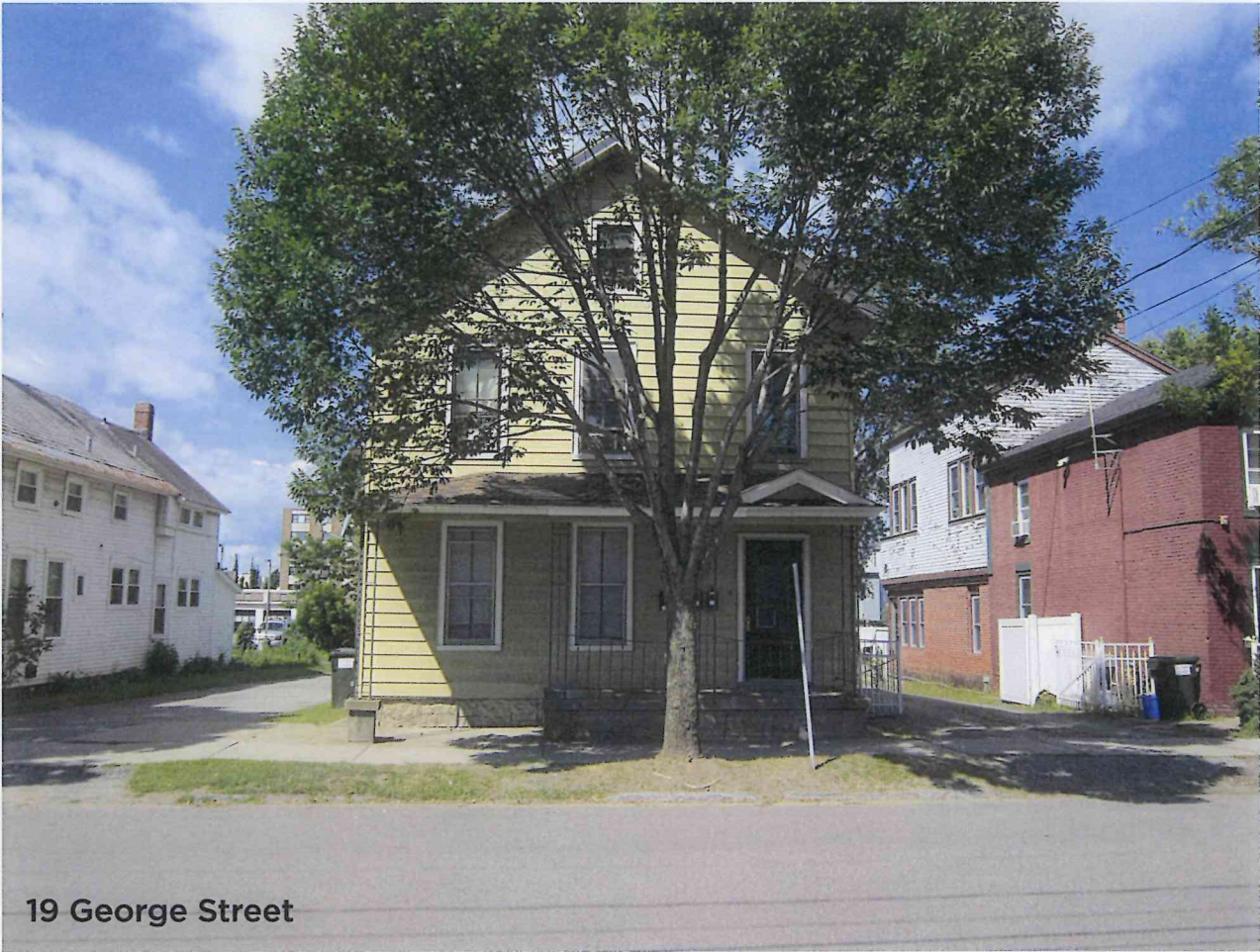








19 George Street



19 George Street



19 George Street



19 George Street





Pearl Street Park



84-85 Pearl Street

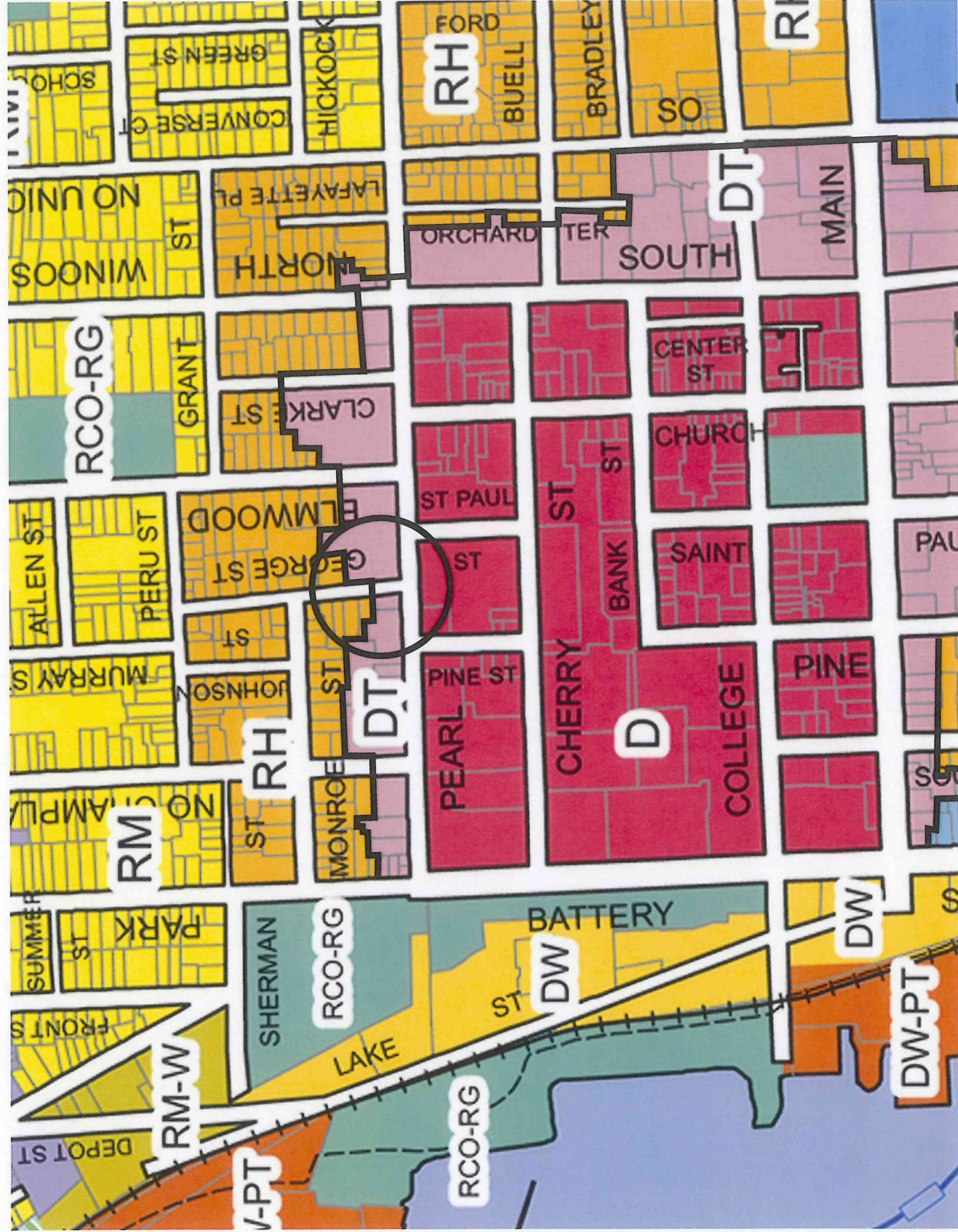


75-83 Pearl Street



71-73 Pearl Street





## PART 4: BASE ZONING DISTRICT REGULATIONS

### SECTION 4.4.1 Downtown Mixed Use Districts

#### Purpose:

Development is intended to be intense with high lot coverage and large tall buildings placed close together. Development should complement the historic development pattern, and sensitive transitions should be provided where there is great difference in scale between the old and new. Development should be pedestrian-oriented with buildings oriented to the sidewalk with a strong emphasis on creating a safe and inviting streetscape. Buildings shall be designed with a high level of architectural detailing to help maintain a sense of scale so that they provide visual interest and create enjoyable, human-scale spaces. Parking is intended to be hidden within, behind or underneath structures, and parked vehicles should not be visible from street.

The Downtown Transition District (DT) is intended to provide a balance and continuity in the character and scale of development on both sides of Main St., Pearl St. and South Winooski Ave., creating gateways into the urban core of Burlington, and a transition between the Downtown and the nearby residential district.

## ARTICLE 5: CITYWIDE GENERAL REGULATIONS

#### Standard for Review of Demolition:

The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.